

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:13-cv-00281-MR
[CRIMINAL CASE NO. 1:10-cr-00086-MR-DLH-1]**

LINDA ALLEN KNOX,)
)
 Petitioner,)
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before the Court on Petitioner's motion to withdraw her § 2255 petition. [Doc. 2]. Petitioner is represented by counsel.

In the motion to withdraw, Petitioner asserts that, after consultation with counsel, she has freely and knowingly made the decision to withdraw her § 2255 motion. Petitioner further states that she understands that by withdrawing her § 2255 motion she is giving up her right to collaterally attack her sentence. [Doc. 2].

The Court notes that Petitioner is free to withdraw her § 2255 motion without Court order because the Government has not filed a response or answer to the § 2255 motion. See Fed. R. Civ. P. 41(a)(1)(A)(i).


Accordingly, the Court will treat Petitioner's motion as a notice of dismissal and order the Clerk to close this civil case.

IT IS, THEREFORE, ORDERED that Petitioner's Motion to Vacate [Doc. 1] is hereby deemed **WITHDRAWN** and Petitioner's Motion to Withdraw [Doc. 2] is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that the Clerk is directed to close this civil case.

IT IS SO ORDERED.

Signed: December 3, 2014


Martin Reidinger
United States District Judge

